

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2010 MAY 13 P 2:52

TOTAL BASE BID 463,663
ALT NO. 1 _____
ALT NO. 2 _____
ALT NO. 3 _____
Alt No. 4 _____
Alt No. 5 _____

BID DATE: Thursday, May 13, 2010

Project Manager: Morgan Loatfi ~ 535.8350

BERRYESSA BRANCH LIBRARY
PARKING LOT IMPROVEMENTS

BIDDER'S NAME: Joseph J Albanese

Bond ☒ Cashier's Check _____

Addendums Included () 1, 2, 3

YES ☒ NO _____

Non-Collusion Affidavit

YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR

BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS

Name of Bidder: Joseph J. Albanese Inc.

The representations herein are made under penalty of perjury.

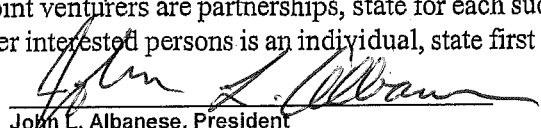
To: The City of San Jose, State of California

Original

The undersigned, as bidder, declares that the only person or parties interested in this proposal are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on April 16, 2010, entitled **PLANS FOR BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS** and the Specifications approved by the Director of Public Works on April 16, 2010, entitled **PLANS FOR BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following

***** price or unit prices as shown in the Schedule of Quantities on the next page. ***** Joseph J. Albanese Inc., A Corporation
President: John L. Albanese; Secretary: Kevin J. Albanese, Acting Secretary, Vice-President, C.O.O.; Treasurer: David V. Alaimo, Acting Treasurer, C.F.O.;
Manager: Kevin J. Albanese, Acting manager, Vice-President, C.O.O.

***** If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full. ***** Joseph J. Albanese Inc., A Corporation


John L. Albanese, President

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

**Schedule of Quantities
for
Berryessa Branch Library Parking Lot Improvements**

Contractor:

Project No: 6311

Item	Specification Section	Description of Item	Total
1	013000	Administrative Requirements	\$ 8,500.00
2	015000	Traffic Control	\$ 1,500.00
3	015000	Utility Conflict Cost Allowance (Revocable)	\$ 4,500.00 (Force Account)
4	015000	Water Pollution Control Plan	\$ 8,500.00 (Fixed Lump Sum)
5	021100	Hazardous Materials Abatement (Revocable)	\$ 60,000.00
6	024100, 017419	Demolition	\$ 61,500.00
7	101400	Signage	\$ 3,000.00
8	Various	Electrical	\$ 55,000.00
9	311000	Site Clearing	\$ 16,000.00
10	312200, 023000	Grading	\$ 75,000.00
11	320100	Operation and Maintenance	\$ 1,163.00
12	321100	Base Courses	\$ 22,000.00
13	321200, 321723	Flexible Paving	\$ 47,000.00
14	Various	Rigid Paving	\$ 48,000.00
15	Various	Landscaping	\$ 18,000.00
16	334000, 334713	Storm Drainage Utilities	\$ 40,000.00
		Total Base Bid Amount (Items 1 Through 16 , Inclusive) for the Lump Sum Total of:	\$ 463,663.00

NOTE TO BIDDERS:

The Bidder's Bond shall be at least 10% of the TOTAL BID AMOUNT.

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
Eco Bay Services	San Francisco	Abatement
Beltramo	San Martin	Electrical
Cohen	San Jose	Landscaping
Compass	San Carlos	Striping & Signage
Pacific Underground	San Jose	Underground

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS

John L. Albanese

(print name)

, being first duly sworn, deposes and says that he/she is the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on May 13, 2010

Joseph J. Albanese Inc.
Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 7238190210

Expiration Date: 9/15/10

State Contractor Lic. No.: 299880

Classification: A, B, C8, C21, C29, C61/D06, C50, C12

Expiration Date: 12/31/11

Federal I. D. No.: 94-2247579

Address: 986 Walsh Ave.

Santa Clara, CA 95050

By: John L. Albanese

Title: John L. Albanese, President

Telephone: 408-727-5700

NOTARY

On 5/13/10

before me, ELIZABETH JANAY LOPEZ, NOTARY PUBLIC, personally appeared

(name and title of officer)

JOHN L. ALBANESE

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Elizabeth Janay Lopez
Notary Public

(Seal)



STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

<u>PROJECT NAME</u>	<u>AGENCY/ENTITY</u>	<u>CONTRACT AMOUNT</u>
Alma Community Center	City of San Jose	\$ 491,427
LAVTA Satellite Bus Station	Livermore Amador Valley Transit Authority	\$ 2,360,798
Calabazas Community Gardens	City of San Jose	\$ 157,312
Bret Harte	City of San Jose	\$ 118,786
Sunset Avenue	City of San Jose	\$ 255,851
East Reed Street	City of San Jose	\$ 402,306
Monterey Road Median Island	City of San Jose	\$ 2,074,555
Greater Gardner Street Reconstruction	City of San Jose	\$ 775,062
Foothill College Parking Lot	Foothill De Anza C.C. District	\$ 651,084
G-79 Sidewalk Installation	City of San Jose	\$ 100,240
District Parking Lot	Foothill De Anza C.C. District	\$ 675,682
Mitty AC Parking Lot Repairs	Diocese of San Jose	\$ 147,756
Landells Elementary School Parking Lot	Mt.View - Whisman School District	\$ 136,473
Bellarmino Parking Lot	Devcon Construction	\$ 254,426
South Hall parking Lot Improvements	San Jose Redevelopment Agency	\$ 337,784
Genentech B56 Parking Lot	G.C.I. Inc.	\$ 515,660

STATEMENT OF BIDDER'S EXPERIENCE

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract.

<u>PROJECT NAME</u>	<u>AGENCY/ENTITY</u>	<u>CONTRACT AMOUNT</u>
H.P. Parking Lot B20 Repairs	D.P.R. Construction	\$309,887
DePaul Parking Lot O'Connor Hospital	O'Connor Hospital	\$ 274,263
Montebello Parking Lot	Town of Los Gatos	\$ 129,382
Bellarmine Parking Lot	Blach Construction	\$ 116,124
Tashima Parking Lot	Mark Tashima	\$208,159
Hoover Parking Lot	TBI Construction and Construction Mgt.	\$ 185,764
Kaiser BHF Parking Lot	Q Builders	\$ 125,962
San Francisco CU Parking Lot	New Ground	\$ 101,172

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, JOSEPH J. ALBANESE, INC. as PRINCIPAL, and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a corporation duly organized under the laws of the State of CONNECTICUT and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of TEN PERCENT OF AMOUNT BID DOLLARS (\$ 10% OF).
AMOUNT BID

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on May 13, 2010 for **BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS.**

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this

day of MAY 6, 2010.

PRINCIPAL

SURETY

JOSEPH J. ALBANESE, INC.

Legal Company Name

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Legal Company Name

CORPORATION

Indicate Type of Entity

By 

Title:

Kevin J. Albanese, Vice-President, C.O.O.

By 

Title: ANNA SWEETEN, ATTORNEY-IN-FACT

By _____

Title:

By _____

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)



POWER OF ATTORNEY

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 220072

Certificate No. 003110999

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Richard S. Svec, Anna Sweelen, Linda K. LaMarr, and Michael J. Heffernan

of the City of San Jose, State of California, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 7th day of July, 2009.

Farmington Casualty Company
 Fidelity and Guaranty Insurance Company
 Fidelity and Guaranty Insurance Underwriters, Inc.
 St. Paul Fire and Marine Insurance Company
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
 Travelers Casualty and Surety Company
 Travelers Casualty and Surety Company of America
 United States Fidelity and Guaranty Company



State of Connecticut
 City of Hartford ss.

By: George W. Thompson
 George W. Thompson, Senior Vice President

On this the 7th day of July, 2009, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
 My Commission expires the 30th day of June, 2011.



Marie C. Tetreault
 Marie C. Tetreault, Notary Public

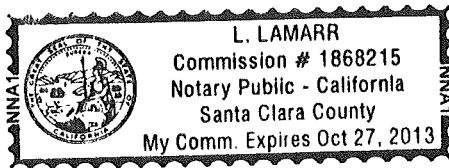
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

On May 6, 2010 before me, L. LaMarr, Notary Public

personally appeared Anna Sweeten



who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY PUBLIC

PLACE NOTARY SEAL ABOVE

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

DESCRIPTION OF ATTACHED DOCUMENT

Title of Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

SIGNER'S NAME: _____

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S) _____

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☒ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER : _____

SIGNER IS REPRESENTING _____

SIGNER'S NAME: _____

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S) _____

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER : _____

SIGNER IS REPRESENTING _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

ACKNOWLEDGMENT

State of California
County of Santa Clara

On May 11, 2010 before me, Elizabeth Janay Lopez, Notary Public
(insert name and title of the officer)

personally appeared Kevin J. Albanese
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Elizabeth Janay Lopez (Seal)



April 28, 2010

**ADDENDUM NO. 1
TO THE PLANS AND SPECIFICATIONS FOR
BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of, and incorporated into the Plans and Specifications for Berryessa Branch Library Parking Lot Improvements.

PROJECT SPECIFICATIONS:

NOTICE TO CONTRACTOR:

ADD:

1. OPTIONAL PRE-BID MEETING

A pre-bid meeting and site walk thru for this project will be conducted at 9:30 a.m. on May 3 and May 5, 2010 (Monday & Wednesday). The pre-bid meeting will be held at the Berryessa Branch Library Parking Lot located at 3355 Noble Avenue, San Jose, California 95132 (corner of Collette Drive and Noble Avenue).

- **Attendance Recommended:** Although attendance is not required, the Owner highly recommends that Bidders attend one of the optional pre-bid meetings because access thru the gated Old Berryessa Branch Library to be demolished will be available. No other access thru the gated area will be provided prior to bid opening.
- **Failure to Attend:** A Bidder who elects not to attend an optional pre-bid is still responsible for properly informing itself of all Project requirements. A Bidder's failure to attend does not relieve the Bidder from any obligation with respect to the Bid, the contract or the Work. A Bidder who fails to attend the pre-bid meeting is not entitled to any Contract Change Order related to information provided at the pre-bid meeting.

2. REQUEST FOR INFORMATION (RFI'S) PRIOR TO BID OPENING

- **RFI's :** All Request For Information prior to bid opening shall be made by email to the project manager (morgan.loatfi@sanjoseca.gov) and submitted on or before 5:00 p.m. Thursday, May 6, 2010.

IMPORTANT

INSTRUCTIONS TO BIDDERS:

This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

Joseph J. Albanese Inc.

Bidder's Name

Signature and Title of Bidder

John L. Albanese, President

Approved By:

KATY ALLEN

Director

Department of Public Works

May 3, 2010

**ADDENDUM NO. 2
TO THE PLANS AND SPECIFICATIONS FOR
BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of, and incorporated into the Plans and Specifications for Berryessa Branch Library Parking Lot Improvements:

PROJECT SPECIFICATIONS:

1. BID DOCUMENTS: ATTACHMENT 4 - INSURANCE REQUIREMENTS

a) D-1 Minimum Scope of Insurance

DELETE Item 5 – Professional Liability Errors and Omissions for all professional services

b) D-2 Minimum Limits of Insurance

DELETE Item 5 – Professional Liability Errors and Omissions Insurance \$2,000,000 each occurrence / aggregate limit

2. SECTION 021100 – HAZARDOUS MATERIALS ABATEMENT


ADD the attached Appendix A – ASBESTOS AND LEAD SURVEY REPORT (19 pages).

Notwithstanding anything in Section 2-1.03 of the Standard Specifications to the contrary, bidders may rely on the data in the Asbestos and Lead Report except to the extent that a bidder knows or reasonably should have known of any inaccuracy, and bidders may make reasonable inferences, conclusions and interpretations from the data in the Asbestos and Lead Report, provided that the City is not responsible for any such inferences, conclusions or interpretations. Bidders can *not* rely on or make inferences from conclusions, interpretations, opinions or conditional statements in the Asbestos and Lead Report.

IMPORTANT

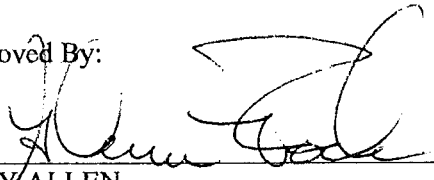
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This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

Joseph J. Albanese Inc.
Bidder's Name

Signature and Title of Bidder
John L. Albanese, President

5/13/10
Date
Attachments

Approved By:


KATY ALLEN
Director
Department of Public Works

**OLD BERRYESSA BRANCH LIBRARY
ASBESTOS & LEAD SURVEY REPORT**

3305 Noble Avenue
San Jose, CA

PREPARED FOR:

City of San Jose
Public Works
200 E. Santa Clara Street 6th Floor Tower
San Jose, CA 95113

January 21, 2010

PREPARED BY
ESSEL TECHNOLOGY SERVICES, INC.
4408 Market Street, # C
Oakland, CA 94608
www.EsselTek.com

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Discussion & Recommendation	Section 5
Asbestos Containing Materials	
Lead Containing Materials	
Applicable Standards	Section 6
Survey Limitations	Section 7
Signature	Section 8

PLATES:

1. Site Map
2. Floor plan/Sample Location Drawing
3. Positive Materials Identification Diagram
4. Positive Materials Identification Diagram
5. Positive Materials Identification Diagram

APPENDICES:

- A. Analytical Data with Chain of Custody
- B. Site Photographs
- C. Inspector's Certificate

SECTION 1 SURVEY SUMMARY

ACM Survey Results

Table 1 contains all materials that were found to be positive and Table 2 contains all materials that were found to be negative for asbestos. All homogeneous building material sampled by Essel Technology Services, Inc. (Essel) as part of this full asbestos survey are listed in Table 3. **The analytical results indicated that asbestos containing materials have been detected in the following materials:**

Sample ID	Homogeneous Materials	Description	% Asbestos Results	Sample location	Estimated quantity	CAT
02	Black floor tile & mastic	9"x9" floor tile and mastic	Floor tile: ND Black mastic: 4% CH	Room 1 – floor Library Office	1500 sq feet	CAT I
13	Floor tile & mastic	9"x9" white floor tile and black mastic	Floor tile: ND Black mastic: 5% CH	Room 3 – Floor; under sample #12		
26	FT & Mastic	White FT & black mastic	Floor tile: ND Black mastic: 4% CH	Room 7 – Floor Library Kitchen		
28	FT & Mastic	9"x9" FT w/ black mastic	Floor tile: ND Black mastic: 4% CH	Room 12 – Floor Office area		
30	White FT & black mastic	9"x9" white FT and black mastic	Floor tile: ND Black mastic: 4% CH	Room 9 – floor Hallway		
48	Roof parapet	Roof parapet	5% CH	Roof A	500 square feet	CAT I
49	Roof penetration	Roof penetration	6% CH	Roof A		
52	Roof penetration	Roof penetration	5% CH	Roof B	500 square feet	
56	Roof penetration	Roof penetration	6% CH	Roof – C	45 square feet	
58	Roof penetration	Roof penetration	5% CH	Roof – D	550 square feet	
63	Roof sealant	Roof sealant	4% CH	Roof D		
64	Roof sealant	Roof sealant	5% CH	Roof D		
67	Roof Penetration	Roof penetration	3% CH	Roof D		
01	Texturing	White texturing	3% CH	Throughout	35,000 square feet	RAC M
02	DW/Joint Compound/	White joint compound	3% CH			
03	HVAC Taping	Gray/White Taping on HVAC	60% CH	Boiler Room	10 square feet	RAC M

TABLE 2: NON-ASBESTOS CONTAINING MATERIALS

Sample ID	Homogeneous Materials	Description	% Asbestos	Sample location
01	Beige skim coat	beige skim coat on drywall	ND	Room 1 – wall
03	Brown baseboard mastic	Baseboard mastic	ND	Room 1 – floor
04	Drywall/Joint compound/taping	Beige drywall/joint compound and taping	ND	Room 1- Ceiling
05	Drywall/joint compound	Beige Drywall/joint compound wall	ND	Room 1 – Wall
06	Brown baseboard mastic	Brown baseboard mastic	ND	Room 2 - Wall
07	White leveling compound	Floor leveling compound (white)	ND	Room 2 – floor
08	Beige skim coat from drywall	Beige skim coat	ND	Room 2 – wall
09	Drywall/taping/joint compound	Drywall, joint compound and taping	ND	Room 2 – ceiling
10	Drywall, joint compound and taping	Drywall, joint compound and taping	ND	Room 2 – wall
11	Vinyl baseboard mastic	Vinyl baseboard & mastic	ND	Room 3 – floor
12	12"x12" Floor tile w/ mastic	Salmon 12"x12" w/ latex mastic	ND	Room 3 – floor
14	Ceiling tile w/ mastic	12"x12" ceiling tile and brown mastic	ND	Room 3 – ceiling
15	Drywall, joint compound and taping	Drywall, joint compound and taping	ND	Room 3 – ceiling
16	Drywall, joint compound and taping	Drywall/joint compound/taping	ND	Room 3 – taping
17	Beige skim coat	Beige skim coat	ND	Room 3 – wall
18	Drywall, joint compound and taping	Drywall joint compound and taping	ND	Room 8 – wall
19	Drywall, taping and joint compound	Drywall/joint compound/taping	ND	Room 8 – ceiling
20	Baseboard and mastic	Vinyl baseboard and mastic	ND	Room 8 – floor

APPENDIX A
ADDENDUM NO.2

21	baseboard and mastic	Vinyl baseboard and brown mastic	ND	Room 7 – floor
22	Drywall/JC/Taping	Drywall/JC/Taping	ND	Room 7 – ceiling
23	Drywall/JC/Taping	Drywall/JC/Taping	ND	room 7 – wall
24	Skim coat	Blue skim coat	ND	Room 7 – wall
25	Floor tile and mastic	12"x12" salmon FT and mastic	ND	Room 7 – Floor
27	FT & Mastic	12"x12" Salmon FT & Mastic	ND	Room 12 – Floor
29	Salmon FT & Mastic	12"x12" Salmon FT and mastic	ND	Room 9 – floor
31	Skim coat on drywall	Beige skim coat on drywall	ND	Room 8 – wall
32	drywall/joint compound/ taping	Drywall/joint compound/taping	ND	Room 11 – ceiling
33	DW/Taping/JC	DW/JC/Taping	ND	Room 11 – ceiling
34	DW/JC/taping	Drywall/joint compound/taping	ND	Room 11 – ceiling
35	DW/JC/Taping	Drywall/joint compound/taping	ND	Room 11 – Ceiling
36	DW/JC/Taping	Drywall/joint compound/taping	ND	IFO restroom wall
37	Stucco	Beige Stucco	ND	Exterior A
38	Stucco	Beige stucco	ND	Exterior B
39	Stucco	Beige stucco	ND	Exterior C
40	Stucco	Beige stucco	ND	Exterior D
41	Stucco	Beige stucco	ND	Exterior Wall
42	Pipe insulation taping	Black taping	ND	Exterior piping black taping
43	Beige stucco	Beige stucco	ND	Exterior
44	Vapor Barrier	Brown vapor barrier	ND	Exterior A
45	Roof sealant	black tar sealant	ND	Roof A
46	Roof core	mineral cap sheet, tar paper	ND	Roof A
47	Roof shingle	Shingled roofing and tar paper	ND	Roof A
50	Roof shingle	Roof shingle and tar paper	ND	Awning

51	Roof sealant	Roof sealant – black tar	ND	Roof B
53	Roof core	Roof core	ND	Roof B
54	Roof sealant	Black sealant on roof	ND	Roof C
55	Roof core	Roof core	ND	Roof – C
57	Roof core	Roof core	ND	Roof – C
59	Roof core	Roof core	ND	Roof D
60	Roof Core	Roof core	ND	Roof D
61	Roof core	Roof core	ND	Roof D
62	Beige stucco	Beige stucco	ND	Roof D
65	HVAC Taping	Silver taping	ND	Roof D
66	Roof Penetration	Black penetration	ND	Roof D

ND =Not Detected

NC = Not Calculated as not ACM

CH = Chrysotile

TABLE 3: HOMOGENEOUS MATERIALS

Homogeneous Materials	Description	Material location	Asbestos containing? (Y/N)
FTM – 1	White 9"x9" FT & black mastic	Office area	Mastic: Y
FTM – 2	Salmon 12"x12" FT & latex mastic	Hallway and restrooms	N
Texturing	Texturing present on drywall	Throughout interior	Y
Drywall/joint compound/taping	DW/JC/Taping	Throughout interior	Y
Ceiling tile	12"x12" White ceiling tile	Office room	N
Brown mastic	Brown mastic pucks	On 12"x12" Ceiling tile	N
Brown vinyl baseboard	Brown vinyl baseboard	Throughout	N
Baseboard mastic	Baseboard mastic	Throughout	N
White leveling compound	White leveling compound	Throughout main library floor	N
Blue ceramic tile and grout	Blue ceramic tile and grout	Interior and exterior	N
White ceramic tile and grout	White ceramic tile and grout	Restrooms	N
Beige stucco & skimcoat	Beige stucco & skimcoat	Exterior	N
Shingled roofing	Shingled roofing	Main library roof	N
Mineral cap sheeting roofing	Mineral cap sheeting roofing	Overhangs	N
Roof penetration	Roof penetration	Overhangs	Y
Roof sealant	Roof sealant	Overhangs	Y

Drywall/Joint compound/Taping	Beige drywall/joint compound/taping	Boiler room	Y
HVAC Taping	White HVAC taping	Boiler room	Y
Black HVAC Taping	Black HVAC taping	Boiler room	N

Lead Based Paint Testing Results

The paint inspection involved a visual inspection and the use of a portable X-ray fluorescence (XRF) instrument. The XRF is able to detect lead in all layers of paint on a component without damaging the paint. The XRF is able to detect lead in all layers of paint on a component without damaging the surface. In some cases, paint chip samples may have been taken and analyzed by the laboratory. The XRF is sensitive to 0.1 milligrams per square centimeter (mg/cm²) of lead, or well below HUD guidelines levels of 1mg/cm² of lead in paints. It is a state-of-the-art piece of equipment commonly used for lead inspections.

Most of the painted in the building was found to be in good to intact condition. Detectable levels of lead was found in the ceramic tiles located in the restrooms as well as the ceramic decorative tile located in the front of the structure.

Dust mitigation procedure is required throughout the demolition of painted elements to comply with the CAL-OSHA regulation under 8CCR 1532.1. All paints shall be treated as having a lead content greater than 600 PPM requiring dust control procedures in compliance with 8CCR 1532.1.

SECTION 2 INTRODUCTION

Essel Technology Services, Inc. (Essel) was retained by the City of San Jose –Department of Public Works (Client) to conduct an asbestos and lead survey of asbestos-containing materials/asbestos-containing construction materials (ACMs / ACCMs) and lead based paints.

The survey was conducted for a period of 4 days by Essel representative Nik Lahiri. Mr. Lahiri is a California Site Surveillance Technician (CSST #04-3698) and CA-DHS Certified Lead Inspector/Assessor (DHS # 19330).

Site Description

The site is a one story commercial structure that consists of a stucco exterior with wooden framing. There were about 4 roofs on this property. The main roof stands over the main portion of the building and consists of shingled roofing over tar paper. The substrate of this roof is plywood. There are four (4) mineral cap sheeting roofs that hang over the covered walkways that are located throughout the perimeter of the building. The exterior of the property consists of gray and beige stucco. There is a blue ceramic tile trim located in the front of the building. The building itself consists of wood frame construction with a concrete

slab foundation. This concrete block is the substrate on the ground floor of the building. The interior of the building consists of a large open area used as the main library section. There are three restrooms located in the building. Other rooms include: custodians closet, storage closet, mechanical room and three main offices. These rooms are located in the rear portion of the building away from the main entrance. In the rear entrance of the property is a covered portico which contains various office furniture that have been stored. The mechanical room is located in the rear corner of the property.

The custodians closet has a pink colored 12"x12" vinyl floor tile with latex mastic. The walls were all painted drywall with texturing. The office rooms consisted of carpeting and the tiled flooring. Underneath the carpeting was white 9"x9" floor tiles with black mastic. This material was observed to be present throughout the office area. The walls were beige painted drywall with texturing. Each room had a 4" brown vinyl baseboard in the floor. The office kitchen contained 12"x12" ceiling tiles glued on with brown mastic pucks. The main library area has vaulted ceilings. The walls of the ceiling are composed of drywall with texturing. The flooring in the main portion of the library is gray commercial grade carpeting that rests on a white leveling compound and concrete. The other areas contain two layers of flooring and asbestos containing black mastic.

The boiler room contains asbestos containing joint compound and taping on the walls. There was also white asbestos containing HVAC taping observed to be present on the HVAC system.

Section 3.0

ASBESTOS SURVEY ANALYSIS METHODS

Field Methodologies - Asbestos

Essel initially conducted a thorough walkthrough of the areas to identify the suspect asbestos containing materials. Once different types of homogeneous areas (HA) were identified, Essel was prepared to collect the bulk samples.

Homogeneous areas consist of groupings of those materials that have uniform appearances, textures, and installation dates. Each HA and representative building component was then sampled, located, approximately quantified, and photographed. As the samples were collected, the locations of the HA's and samples were marked on floor plans that were created by Essel.

Inspection, sampling and assessment procedures were performed in general accordance with the guidelines published by the EPA in 40 CFR Part 763, Subpart E, October 30, 1987.

EPA guidelines were used to determine the sampling protocol. Three samples were collected for each thermal system insulation, and at least one sample was collected from miscellaneous materials and at least five samples were collected from texturing and plaster, three samples were collected from drywall and joint compound. The homogeneous materials sampling locations were chosen to be representative of the homogeneous material.

Asbestos sampling was performed in a fashion designed to minimize exposure to the surveyor or building occupants to air borne asbestos fibers. Samples were typically removed from the substrate utilizing a knife or hollow drill bit bored through a wet sponge, the sample materials were then placed into an air tight plastic vial. The vial exterior was decontaminated with a wet sponge, and a unique sample ID written on the vial. The vial was then stored in a plastic bag. Sample substrate were then patched with high temperature caulking compound, where required.

Asbestos Laboratory Analysis Results

A total of (67) bulk asbestos samples were collected from suspected ACMs. The suspected ACMs were observed in fair to good condition at the time of survey. All bulk samples were analyzed for fibrous asbestos using Polarized Light Microscopy (PLM) with dispersion staining as described by the interim method of determination of asbestos in bulk insulation, Federal Register, Volume 47, No. 103, May 27, 1982 specified by EPA 600/R-93116.

SECTION 4.0 LEAD BASED PAINT

The paint inspection involved a visual inspection and the use of a portable X-ray fluorescence (XRF) instrument. The XRF is able to detect lead in all layers of paint on a component without damaging the paint. The XRF is able to detect lead in all layers of paint on a component without damaging the surface. In some cases, paint chip samples may have been taken and analyzed by the laboratory paint. The XRF is sensitive to 0.1 milligrams per square centimeter (mg/cm²) of lead, or well below HUD guidelines levels of 1 mg/cm² of lead in paints. It is a state-of-the-art piece of equipment commonly used for lead inspections. The results of X-ray fluorescent analysis are provided below.

Lead Paint Survey Analysis Methods

Essel lead inspector, Mr. Nik Lahiri (California Department of Health Services Certified Lead Inspector/Assessor), conducted a visual assessment of paint on building components at the site.

Lead Based paint testing results

The majority of the paints inside the building were noted to be in intact condition. Paints shall be treated as having a lead content greater than 600 PPM requiring dust control procedures in compliance with 8CCR 1532.1

SECTION 5.0

DISCUSSION AND RECOMMENDATIONS

Planning functions for any proposed renovation or demolition project should take into account the following considerations:

Recommendations

Asbestos Containing Materials (ACM) which contain less than 10% has been detected in the property. However if any material materials are detected which were not sampled initially and discovered at the time of demolition Essel recommends testing or assume as ACM and take action accordingly.

1. Essel recommends the City of San Jose to develop specifications for the removal of ACM prior to demolition activities. Major considerations with respect to these activities are given below:
2. In accordance with the EPA's NESHAPs 40 CFR Part 61, Subpart M, and Air Quality Management District all Regulated Asbestos-Containing Materials (RACM), *Category I/Class I Non-Friable* and *Category II/Class II Non-Friable* ACMs that may become friable, must be removed prior to demolition and / or renovation activities. In addition to asbestos regulations that control the release of asbestos to the ambient environment, state worker protection laws are applicable. Federal and State OSHA regulations outline specific work practices for handling ACMs/ACCMs.

Lead Containing Materials

1. Results of the Lead based paint survey should be provided to the contractors and subcontractors performing the work at the site that may disturb painted building components. Contractors disturbing components must do so in compliance with applicable regulations of California department of Occupational safety and Health.
2. Currently California regulations require that lead painted components produce a Total Threshold Limit Concentration (TTL) of less than 350mg/kg and a Soluble Threshold Limit Concentration (STLC) of less than 5.0mg/L to be considered a non hazardous waste. The results of that testing will have a significant impact on disposal costs.
3. The lead painted components should not be sawed, burned, ground into mulch or reused and should be disposed in a properly licensed landfill. Loose paint chips should be removed by HEPA vacuum prior to demolition and will need to be disposed of as hazardous waste.
4. To obtain actual cost data, a specification (requiring bidders to assess work condition and to measure quantities to their own satisfaction) for the work should be distributed to licensed, qualified and reputable contractors , a job walk should be conducted , and fixed cost bid contracts should be obtained. Additional \$2000 may be added for the presence of ceramic tile and lead paint to the contractor's cost of the demolition (including waste characterization, but excluding waste disposal if found to be RCRA waste).

SECTION 6.0

APPLICABLE STANDARDS

Definition of Asbestos-Containing Materials

The EPA's Asbestos NESHAPs and the Air Quality Management District (AQMD), the local air pollution control district, define an asbestos-containing material as any material that contains a concentration of asbestos of greater than one percent (>1.0%) by area as determined by Polarized Light Microscopy (PLM) [Federal Register, Volume 59, No. 146, August 1, 1994, P. 38970-38971]. NESHAPs and AQMD further segregate asbestos-containing materials into *Regulated Asbestos-Containing Materials (RACM)*, *Category I Non-Friable Materials*, and *Category II Non-Friable Materials*, which are defined as follows:

Regulated Asbestos-Containing Materials (RACM)/Asbestos-Containing Materials (ACM): Includes all friable asbestos materials, *Category I/Class I Nonfriable ACM* that have become friable or will become friable, and *Category II/Class II Nonfriable ACM* that have a high probability of being crumbled, pulverized, or reduced to powder by the forces expected to act on the materials in the course of renovation or demolition.

Category I Nonfriable ACM/Class I Nonfriable ACM: Includes asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products that when dry can be crumbled, pulverized, or reduced to powder by hand pressure.

Category II Nonfriable ACM/Class II Nonfriable ACM: Includes all non-friable materials, excluding *Category I/Class I Nonfriable ACM* that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Definition of Asbestos-Containing Construction Materials

The California Department of Occupational Safety and Health (Cal/OSHA) further defines an asbestos-containing construction material (ACCM) as a material that contains greater than one-tenth of one percent (>0.1%) asbestos.

Prior to demolition of a building, most of the air quality districts in California require abatement of friable ACM as well as non friable ACM that may become friable during demolition.

Federal occupational Safety and Health Administration (OSHA) regulations, locally enforced by CAL/OSHA, defines ACM as substances that contain greater than 1% asbestos. CAL/OSHA also mandates special training, medical exams, personal protective equipments and record keeping for employees working with ACM. If materials contain less than 1% asbestos but more than 0.1% asbestos, the material may be disposed of as non-ACM, but CAL/OSHA requirements still have to be followed regarding workers protection and Contractor licensing.

The trace materials are currently regulated in California and require the following:

- Removal using wet methods
- Prohibition of removal using abrasive saw or methods which would aerosolize the materials
- Prompt cleanup of the impacted zone, using HEPA-filtered vacuums, as applicable
- Employer registration by CAL/OSHA for removal quantities exceeding 100 sq ft per year
- CAL/OSHA carcinogen Registration by the Demolition or abatement contractor impacting such materials

Lead Based Paints

Since elemental lead is a suspect carcinogen and known teratogen and a neurotoxic in high doses, lead containing materials need to be identified prior to the onset of demolition activities using combinations of engineering controls and personal protective equipment, lead containing materials can be remediated safely. Several sources of applicable standards are listed below:

1. Lead exposures in the work place are regulated by CAL OSHA, which has certain regulatory requirements for identifying and controlling potential lead exposures. Currently applicable regulations for the construction industry have been adopted by CAL/OSHA (8CCR1532.1) from the Federal OSHA regulations. The current OSHA 8 hour permissible exposure level for lead is 50mg/M³.
2. Current EPA and CAL EPA regulations do not require LBP to be removed prior to demolition unless loose and peeling. Provided that the paints are securely adhered to substrates (non flaking or non peeling), disposal of intact demolition debris can generally be handled in California as non hazardous and non RCRA waste.

In California loose and peeling LBP or other wastes require characterization and testing for leachability. Disposal requirements are as follows:

- a. If the total lead content is <50PPM it is considered non RCRA, non hazardous waste since it is impossible to exceed the Waste Extraction Test (WET) test limit of 5mg/l using the 10 to 1 ratio.
 - b. If the total lead content is <350 ppm and the WET test is <5mg/l then the waste has low leachability and is classified as non-RCRA non-hazardous waste.
 - c. If the total lead content is >350ppm and the Toxicity Characteristic Leaching Procedure (TCLP) is <5 mg/l then it has low leachability and is classified as Class I non-RCRA California hazardous waste, stabilization not required.
 - d. If the total lead content is >350ppm and the TCLP test results are >5mg/l, then it is classified as Class I RCRA hazardous waste, stabilization required.
3. Major definitions of LBP or lead -coated surfaces are listed below:
 - a. HUD defines LBP as paint that contains either $\geq 0.5\%$ by weight of lead , or $\geq \text{mg/cm}^2$
 - b. Consumer Product safety Commission (CPSC) prohibits the manufacturing of paint that contains more than 600ppm (0.06%) of lead

- c. This report uses the HUD's definitions for the purpose of identifications, but compliance to Cal/OSHA's Construction Lead Standard is required for all paints with any measurable lead content.
- d. The California Department Health Services (DHS) requires the use of Certified Lead workers and supervisors for lead abatement projects at public buildings with a greater than 20 years expected life or whenever work is completed specifically to abate lead-based paint as defined by HUD. The DHS certifications requirements do not apply to industrial sites, however, dust controls and personnel protection are still required under 17CCR, section 35001 through 36100.

SECTION 7.0

SURVEY LIMITATIONS

Essel prepared the report in accordance with generally accepted standards of care that exists in Northern California at this time. This asbestos and lead survey report has been prepared by Essel Technology Services, Inc. exclusively for our Client and their Authorized Representatives. The information contained herein pertains only to accessible materials identified at the referenced property at the time of the survey performed in accordance with a mutually agreed upon scope of work. The findings and recommendations presented are based upon observations of present conditions, and may not necessarily indicate future conditions. The report may be used by the client only for the purpose stated, within a reasonable time from the time of its issuance, but in no event later than one (1) year from the date of the report.

The survey and bulk sampling was conducted in representative locations in the building that is accessible at the time of inspection. Essel offers various levels of investigations and engineering services to suit the varying needs of different clients. It should be recognized that definition and evaluation of geologic and environmental conditions are difficult and inexact science. Judgments leading to conclusions and recommendations are generally made with incomplete knowledge of environmental conditions present. Since detailed investigations and analysis involves greater expense, our client participate in determining levels of service that provide adequate information for or their purpose at acceptable levels of risk. Acceptance of this report will indicate that the client has reviewed the document and determined that it does not need or want a greater level of service than provided.

Limited intrusive or destructive sampling (lifting carpeting, etc.) was conducted as part of the scope of services performed. Additional suspect materials and/or debris may be present in above-ceiling areas, within wall cavities, and/or beneath floor coverings, or in the crawl spaces which were accessible at the time of inspection, but may become accessible during the course of renovation/demolition activities. Care should be exercised when accessing these areas. Any suspect materials encountered during the course of renovation or demolition activities that were not previously sampled should be *presumed* to be ACMs/ACCMs or lead-containing or other hazardous materials until sampled and proven otherwise. The areas that were accessible should be representative of the types, quantities, and conditions of the materials present at the site.

Regulations and professional standards applicable to Essel services are continually evolving. Techniques are, by necessity, often new and relatively untried. Different professionals may reasonably adopt different approaches to similar problems. As such our services are intended to provide the client with a source of professional advice, opinions and recommendations. Our professional opinion and recommendations are based on our limited number of field observation and tests, collected and performed in accordance with the generally accepted engineering practice that exists at that time. Essel Technology Services, Inc. implies no warranty or guarantee expressed or implied, is intended or made. Essel has provided the best effort to assess all the materials. However there is always a possibility some thing may come up in future. Essel will be happy to discuss if any issues arises.

SECTION 8.0 SIGNATURES

Services Performed by:

Nik Lahiri

Nik Lahiri

California Certified Asbestos Consultant 04-3698

California DHS Lead-Related Inspector/Assessor DHS 19330

Report Prepared & Reviewed by:

Samhita Lahiri

Samhita Lahiri

California Certified Asbestos Consultant 03-3371

California DHS Lead-Related Inspector/Assessor

May 7, 2010

**ADDENDUM NO. 3
TO THE PLANS AND SPECIFICATIONS FOR
BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made part of, and incorporated into the Plans and Specifications for Berryessa Branch Library Parking Lot Improvements:

PROJECT PLANS AND SPECIFICATIONS:

**SECTION 311000 – BID ITEM NO. 9 SITE CLEARING
SECTIONS 260100-265200 – BID ITEM NO. 8 ELECTRICAL**

ADD the attached Appendix B – FILTER TANK REMOVAL AND RELATED WORK (1 page).

Payment to comply with the attached Appendix B shall be included on Bid Items 8 and 9 respectively.

IMPORTANT

INSTRUCTIONS TO BIDDERS:

This addendum should be acknowledged when your bid is submitted. The bidder must sign this addendum in the space provided below and return one signed copy with the bid. The bidder's failure to sign and submit any or all addenda with the bid shall be a cause for rejection of the bid, in compliance with section 2-1.14 of the City of San Jose, Department of Public Works Standard Specifications, dated July 1992.

Joseph J. Albanese Inc.

Bidder's Name

Signature and Title of Bidder

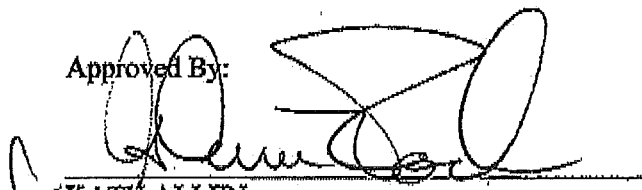
John L. Albanese, President

5/13/10

Date

Attachments

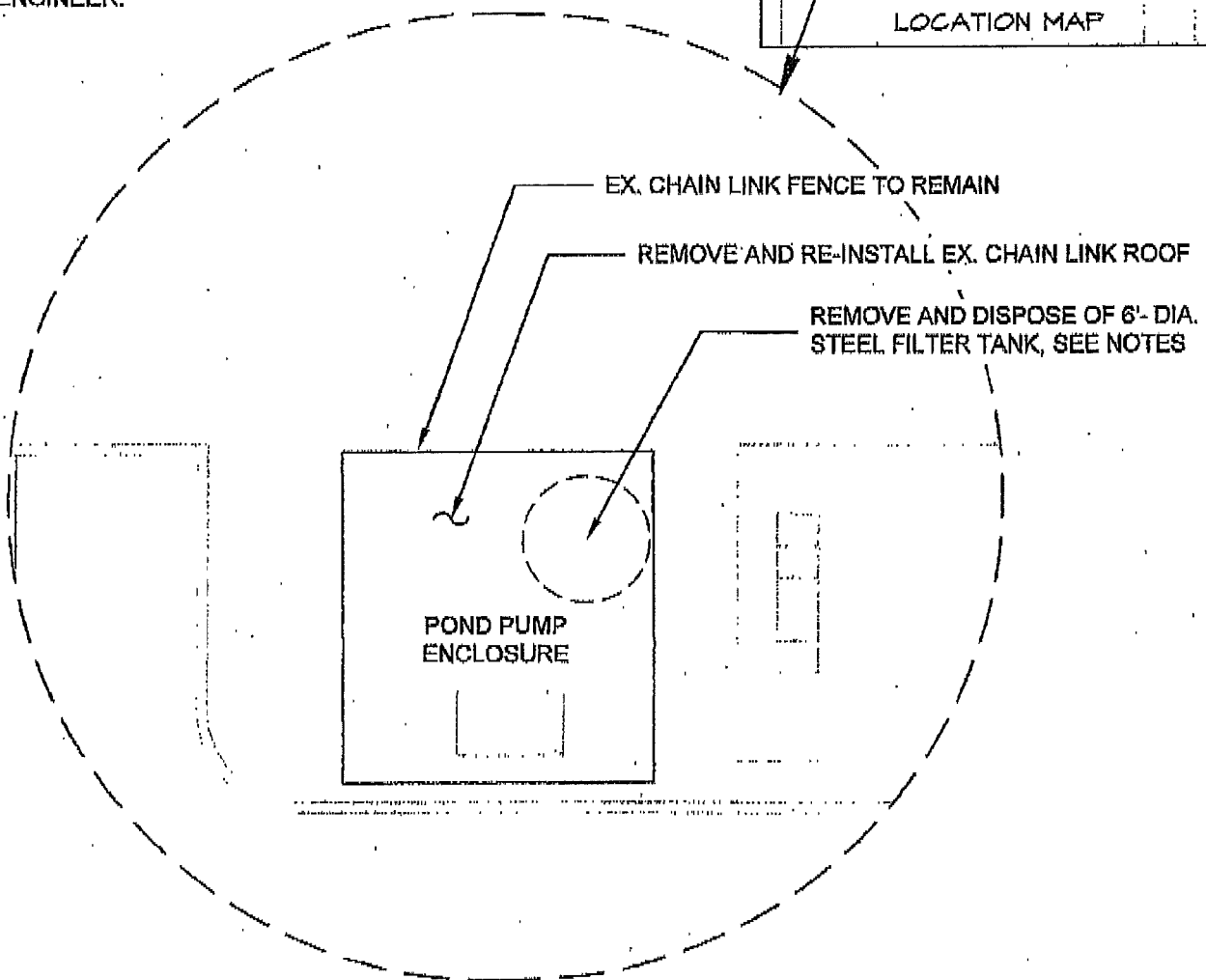
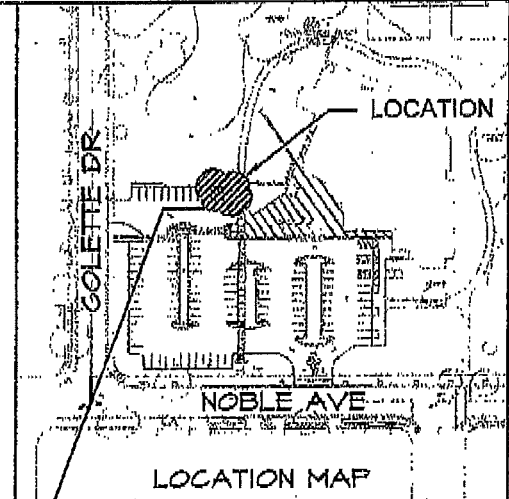
Approved By:


for KATY ALLEN
Director
Department of Public Works

ADDENDUM 3 APPENDIX B

NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES ON EXISTING STRUCTURES.
2. THE DAMAGED ITEMS SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE ENGINEER.
3. CONTRACTOR SHALL COORDINATE WITH MIKE MCCLINTOCK AT (408) 277-3267 PRIOR TO REMOVAL OF STEEL TANK AND OTHER WORK INSIDE EX. POND PUMP ENCLOSURE.
4. CONTRACTOR SHALL INSTALL NEW 2" SCH. 40 PVC CONDUIT AND #3 1/2 TERMINATION PULL BOX FROM NEW SERVICE PEDESTAL TO A LOCATION JUST OUTSIDE PUMP ENCLOSURE TO BE DETERMINED BY ENGINEER.



BERRYESSA BRANCH LIBRARY PARKING LOT IMPROVEMENTS

FILTER TANK REMOVAL AND RELATED WORK



DEPARTMENT OF PUBLIC WORKS
CITY FACILITIES ARCHITECTURAL
SERVICES DIVISION

SCALE: 1"=8'



PRJ. NO. 6311

May, 4, 2010